

3-04069TED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

No.	CV 23-06168-DMG (AS)	Date	June 17, 2024
Title	<i>Samantha Robert Eisele, et. al., v. U.C. San Diego, et. al.</i>		

Present: The Honorable	Alka Sagar, United States Magistrate Judge
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Alma Felix

Not reported

Deputy Clerk

Court Reporter / Recorder

Attorneys Present for Plaintiff:

Attorneys Present for Defendants:

Not present

Not present

Proceedings (In Chambers):

**ORDER TO SHOW CAUSE RE LACK OF
PROSECUTION**

On April 29, 2024, the Court issued an Order dismissing Plaintiff’s Second Amended Complaint with leave to amend. (Dkt. No. 33). Plaintiff was directed to file a Third Amended Complaint within thirty days of the Court’s Order.¹ *Id.* at 10. Plaintiff was “explicitly cautioned that failure to timely file a Third Amended Complaint . . . may result in a recommendation that this action, or portions thereof, be dismissed with prejudice for failure to prosecute and/or failure to comply with court orders.” *Id.* at 11.

To date, Plaintiff has failed to file a Third Amended Complaint or seek an extension of time to do so. According to the docket, the Court’s April 29, 2024 Order, which was mailed to Plaintiff’s address of record, was returned to the Court as undeliverable mail. (Dkt. No. 34). On March 15, 2024, the Court issued an order requiring Plaintiff to provide the Court with her current address pursuant to Local Rule 41-6, after the Court’s February 26, 2024 Order regarding Screening in Pro Se Civil Rights Case, which was also mailed to Plaintiff’s address of record, was returned to the Court as undeliverable. (Dkt. Nos. 31-32). Plaintiff failed to respond to the Court’s Order. Plaintiff’s has failed to provide the Court with an updated address and has failed to file a Third Amended Complaint. Accordingly, Plaintiff is **ORDERED TO SHOW CAUSE, in writing, no later than July 1, 2024**, why this action should not be dismissed with prejudice for failure to prosecute. This Order will be discharged upon the filing of a Third Amended Complaint that complies with the Court’s April 29, 2024 Order, or upon the filing of a declaration under penalty of perjury stating why Plaintiff is unable to file a Third Amended Complaint.

¹ Since the order was dated April 29, 2024, Plaintiff’s Third Amended Complaint was due no later than May 29, 2024.

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If Plaintiff no longer wishes to pursue this action, she may request a voluntary dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1). A notice of dismissal form is attached for Plaintiff's convenience.

Plaintiff is warned that a failure to timely respond to this Order **will** result in a recommendation that this action be dismissed with prejudice under Federal Rule of Civil Procedure 41(b) for failure to prosecute and obey court orders.

IT IS SO ORDERED.

cc: Dolly M. Gee
Chief United States District Judge

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Initials of Preparer	<u></u>		